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## ARNOLD &amp; PORTER LLP

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## Fax Transmittal

December 5, 2005

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)
US Patent and Trademark Office Board of Patent Appeals and Interferences Attn: Leslie Gordon	(571) 273-8300 (571) 273-0299	
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David R. Marsh	(202) 942-5068	982
CLIENT/MATTER NUMBER	TIMEKEEPER NUMBER	NUMBER OF PAGE(S)
16517.295	4979	We are transmitting 3 page(s) (including this cover sheet)
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MESSAGE		

Re: Appeal No. 2005-2654; Conf. No. 8906  
U.S. Patent Appln. Ser. No. 10/021,323 filed December 12, 2001  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Inventors: Jill DEIKMAN *et al.*  
Atty. Docket: 16517.295 (38-21(52274)B/US)

Please see the attached Express Abandonment under 37 CFR § 1.138(a) for the above-identified application.

## PRIVILEGED AND CONFIDENTIAL

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**ARNOLD & PORTER LLP**

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December 5, 2005

**VIA FACSIMILE**

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Appeal No. 2005-2654  
Confirmation No. 8906

Re: U.S. Patent Application Serial No. 10/021,323 filed December 12, 2001  
Inventors: Jill DEIKMAN *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Atty. Dkt.: 16517.295 (38-21(52274)B/US)

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is an Express Abandonment under 37 C.F.R. § 1.138(a). A courtesy copy of this letter and its attachment is being sent via facsimile to the Board of Patent Appeals and Interferences.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.295.

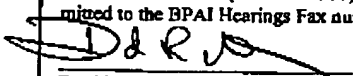
Sincerely,



David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the US PTO Central Fax number (571-273-8300), with a courtesy copy facsimile transmitted to the BPAI Hearings Fax number (571-273-0299).

  
David R. Marsh (Reg. No. 41,408)

December 5, 2005  
Date

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jill DEIKMAN *et al.*

Appln. No.: 10/021,323

Filed: December 12, 2001

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 8906

Art Unit: 1634

Examiner: James Martinell

Atty. Docket: 16517.295

## Express Abandonment Under 37 C.F.R. § 1.138(a)

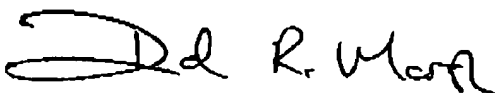
Mail Stop Express Abandonment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby expressly abandon U.S. Application Serial No. 10/021,323 under 37 C.F.R. § 1.138(a) in view of a continuing application filed on December 2, 2005.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application in favor of a continuing application filed on December 2, 2005.

Respectfully submitted,

David R. Marsh, Reg. No. 41,408  
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555 Twelfth Street, N.W.  
Washington, DC 20004  
Tel: 202-942-5000  
Fax: 202-942-5999

Filed: December 5, 2005

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I hereby certify that the foregoing Express Abandonment under 37 C.F.R. § 1.138(a) is being facsimile transmitted to the US PTO Central Fax number (571-273-8300), with a courtesy copy facsimile transmitted to the BPAI via facsimile number (571) 273-0299.

